

1 DANIEL J. BRODERICK, Bar #89424
2 Federal Defender
3 DAVID M. PORTER, Bar #127024
Assistant Federal Defender
3 801 I Street, 3rd Floor
Sacramento, California 95814
4 Telephone: (916) 498-5700

5 Seeking Appointment as Attorney for Defendant
SEAN MURRAY

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. Cr. S 97-74 GEB
12 Plaintiff,)
13 v.) **AMENDED REQUEST FOR APPOINTMENT OF**
14 SEAN MURRAY,) **COUNSEL and FOR SCHEDULING ORDER;**
15 Defendant.) **[lodged] ORDER**
16 _____)
17) **RETROACTIVE CRACK COCAINE**
18) **REDUCTION CASE**
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Judge: Hon. GARLAND E. BURRELL

17 Pursuant to the request of Defendant, SEAN MURRAY, filed February
18 25, 2008, the Court is hereby requested to appoint the Office of the
19 Federal Defender and Assistant Federal Defender David M. Porter as
20 counsel to represent Mr. Murray with respect to his motions to reduce
21 sentence pursuant to 18 U.S.C. § 3582(c)(2). Mr. Porter is familiar
22 with the case and is willing to accept the appointment.

23 Appointment of counsel would serve the interests of justice in
24 this case because it might facilitate a negotiated disposition of the
25 motion and because the motion might raise novel legal issues
26 surrounding application of the United States Sentencing Commission's
27 recent retroactive reduction of sentences under the crack cocaine
28 guidelines. Because Mr. Murray's substantial rights may be affected by

1 these criminal proceedings, he is constitutionally entitled to
2 appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134 (1967).

3 Mr. Murray also hereby requests the Court issue the order lodged
4 herewith setting a briefing schedule in conjunction with the filing of
5 an amended motion to reduce sentence pursuant to 18 U.S.C.
6 § 3582(c)(2).

7 Dated: April 15, 2008

8 Respectfully submitted,

9 DANIEL J. BRODERICK
Federal Defender
10

11 /s/ David M. Porter
DAVID M. PORTER
12 Assistant Federal Defender

13 Seeking Appointment as Attorney for Movant
SEAN MURRAY
14

15 **O R D E R**

16 Pursuant to defendant's request, and good cause appearing
therefor, the Office of the Federal Defender and Assistant Federal
17 David M. Porter is hereby appointed to represent defendant with respect
18 to his motion to reduce sentence.

19 Also, for the reasons set forth above, and good cause appearing
therefor, the Court sets the following schedule:

20 Amended Motion: Due May 2, 2008
21

22 Government Response: Due May 16, 2008
23

24 Reply: Due May 30, 2008
25

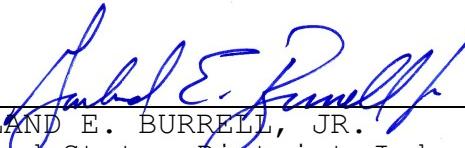
26 ///
27 ///
28 ///
29 ///

REQUEST TO APPOINT COUNSEL and for SCHEDULING ORDER

1
2
3 Hearing: June 6, 2008

4 IT IS SO ORDERED.

5 Dated: April 16, 2008

6 
7 GARLAND E. BURRELL, JR.
8 United States District Judge